

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

UNITED STATES POSTAL SERVICE

Respondent

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ITEMS SHOWN ON BOARD'S CERTIFICATE  
OF RECORD ARE CONTAINED HEREIN

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No.
	:	
v.	:	
	:	Board Case No.:
UNITED STATES POSTAL SERVICE	:	10-CA-188508
	:	
Respondent	:	

CERTIFICATE OF THE  
NATIONAL LABOR RELATIONS BOARD

The National Labor Relations Board, by its Executive Secretary, authorized by Section 102.115, Rules and Regulations of the National Labor Relations Board, Series 8 (29 C.F.R.), certifies that the documents annexed hereto constitute the entire record of a proceeding had before the Board and known upon its records as Case No. 10-CA-188508.

The attached documents are as follows:

<u>Date</u>	<u>Document Description</u>	<u>Pages</u>
01/03/2018	Board's Decision and Order, <i>United States Postal Service and American Postal Workers Union, Area Local 118</i> , Board Case No. 10-CA-188508	8
05/16/2017	Formal Settlement Stipulation, <i>United States Postal Service and American Postal Workers Union, Area Local 118</i> , Board Case No. 10-CA-188508 w/Exhibits A - C	30

IN TESTIMONY WHEREOF, the Executive Secretary of the National Labor

Relations Board, being duly authorized, has hereunto set his hand and affixed the seal of the National Labor Relations Board in the city of Washington, District of Columbia, this 17th day of January, 2018.

/s/ Roxanne Rothschild

Roxanne Rothschild

Deputy Executive Secretary

NATIONAL LABOR RELATIONS BOARD

(seal)



**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**UNITED STATES POSTAL SERVICE**

**and**

**Case 10-CA-188508**

**AMERICAN POSTAL WORKERS UNION,  
AREA LOCAL 118**

**DECISION AND ORDER**

Statement of the Case

On May 16, 2017, the United States Postal Service (the Respondent), the American Postal Workers Union, Area Local 118 (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.<sup>1</sup>

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<sup>1</sup> We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect. We also note that, although there is only one Union involved in the instant case, the parties' stipulation refers to "Unions" in the plural and the parties have agreed to that term. We therefore include it in our Order.

Member Emanuel would not approve the part of the Order requiring the Respondent to cease and desist from refusing to bargain with "any other labor organizations" because that asserted violation was not alleged as part of this case.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

### **Findings of Fact**

#### **1. The Respondent's business**

The Respondent is and has been, at all times material herein, an independent establishment of the Executive Branch of the Government of the United States and operates various facilities throughout the United States and the State of Georgia in the performance of its basic function to provide postal services to the Nation, including its facility at 3916 Milgen Road, Columbus, Georgia (the Respondent's facility), the facility involved in this settlement and the underlying proceedings. The Respondent is now and has been, at all material times, an entity subject to the Board's jurisdiction by virtue of Section 1209 of the Postal Reorganization Act (39 U.S.C. § 101 et seq.).

#### **2. The labor organizations involved**

At all material times, American Postal Workers Union (APWU) has been a labor organization within the meaning of Section 2(5) of the Act.

At all material times, APWU Local 118 has been an agent of APWU, acting on behalf of APWU, within the meaning of Section 2(13) of the Act.

At all material times, by virtue of Section 9(a) of the Act, APWU has been, and is now, the exclusive bargaining representative for the purpose of collective bargaining with respect to rates of pay, wages, hours of employment, and other terms and conditions of employment of employees in an appropriate unit as set forth in Article 1 of the current National Agreement between the Respondent and APWU, including employees employed by the Respondent at the Respondent's facility.

### **ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Columbus, Georgia, its officers, agents, successors, and assigns, shall

#### **1. Cease and desist from**

(a) Refusing to bargain collectively and in good faith with APWU Local 118 and/or any other labor organizations (collectively referred to as "the Unions") representing bargaining unit employees at the Respondent's facility, by refusing or unduly delaying in furnishing information that is relevant and necessary to the

performance of the Unions' duties as the exclusive collective-bargaining representatives of the employees at the Respondent's facility.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Upon request, provide the Unions with necessary and relevant information in a timely and appropriate manner.

(b) Waive, for 30 days following issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances related to the requested information, where APWU Local 118 missed contractual deadlines due to the Respondent's delay or refusal in providing the information.

(c) For the Respondent's facility, the Respondent will maintain a log in which it will immediately record each information request tendered by the Unions upon receipt of such requests, orally or in writing. These logs shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the name of the supervisor, manager, or designated management official (DMO) who received the request; the date the request was made; and the date that the Respondent provided the Unions with the requested information, or upon which the Respondent's manager, supervisor, or DMO responded to the Union with an explanation for any anticipated delay. If the Respondent, having reviewed the documents requested, believes that the Respondent will need additional time, the manager, supervisor, or DMO will inform the Unions in writing, requesting additional time and explaining the need for the additional time. Such responses shall be recorded in the information request logs.

(d) Each manager, supervisor, or DMO who is designated to receive union requests for information for the Respondent's facility will receive annual training that encompasses how to maintain the log and how to tender the relevant information requested by the Unions, and each such management official will sign an acknowledgment form attesting that he or she has completed said training. A copy of this acknowledgment form shall be maintained in the official's training and history files. Union stewards will be granted access to the logs, upon request. Supervisors, managers, or DMOs who unreasonably fail to supply relevant information for the Unions will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the USPS district manager, the USPS district manager of human resources, USPS labor relations, and the USPS Law Department NLRB Unit. Repeated violations could lead to discipline of said supervisor or manager.

(e) The Respondent's legal department or its labor relations department shall conduct semi-annual audits of the logs for the Respondent's facility, to ensure that the information requests from the Unions are being handled in a timely and appropriate manner and to ensure the logs are being properly maintained. Following each audit, the

legal department or labor relations department shall tender, in writing, a written report setting forth for each request that did not receive a complete response within seven days: the identity of the requesting party; a summary of the request; the location for which the request was made; the name of the supervisor or manager responsible for responding to the request; the number of days from request to initial response; the number of days from request to complete and/or final response; and any action taken to address and/or correct unreasonable failures and delays by supervisors and managers. This audit report will be forwarded to the USPS district manager, the USPS district manager of human resources, USPS labor relations, and the USPS Law Department NLRB Unit. To the extent that such audits indicate that requests are not being responded to in a timely and appropriate manner or that the logs recording information requests are not being properly maintained, remedial training shall be provided to all persons in a supervisory, managerial, or DMO capacity who were or are involved in the process of providing information to the Unions for the Respondent's facility. The Respondent will provide documentation of any such training to the NLRB Region 10 Compliance Officer upon request.

(f) Union stewards at the Respondent's facility must be notified when the manager, supervisor, or DMO who is designated to receive requests for information has changed.

(g) Within 14 days of service by the Region:

(i) Post at the Respondent's facility, copies of the Notice to Employees attached as Appendix 1.<sup>2</sup> Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will electronically mail the Board's official notice to the manager at the Respondent's facility.

(ii) Upon receipt of such notice, the manager at the Respondent's facility will record the date said notice was received and the date on which the notices were posted and the Respondent will submit this information to the Region's Compliance Officer, along with the signed certification. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(iii) Electronically post the Notice to Employees for employees at the Respondent's facility, if the Respondent customarily uses electronic means such as an electronic bulletin board, e-mail, website, or intranet to communicate with those employees.

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<sup>2</sup> If this Order is enforced by a judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

(h) Within ten (10) days after entry of the Board's Order, provide all supervisors and managers, including acting supervisors and managers, at the Respondent's facility with written instructions to comply with the provisions of the Order. The instructions shall underscore that:

- 1) Unprivileged or unwarranted refusals and unreasonable delays in responding to requests for information required under the Act to be provided to labor organizations shall not be tolerated by the Respondent.
- 2) Any unwarranted failure to provide, or unreasonable delay in providing, such information will subject the responsible supervisor(s), DMO(s), and/or manager(s) to discipline by the Respondent as may be appropriate in light of the relevant facts and circumstances, consistent with applicable state and federal laws and regulations.
- 3) Each person receiving the Board Order and instructions described above shall acknowledge in writing that he or she has been furnished with a copy thereof, understands them and will conduct himself or herself consistently therewith, and will not in any way commit, engage in, induce, encourage, permit, or condone any violation of this Order; and the Respondent shall retain and supply copies of those acknowledgments and the written instructions to NLRB Region 10 pursuant to subparagraph (i) below.

(i) In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed any of the facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at the closed facility at any time since September 13, 2016.

(j) Within 14 days from the date of this Order, at the Respondent's facility, convene meetings during working time, scheduled to ensure the widest possible attendance, at which the attached Notice to Employees is to be read to all employees, supervisors, and managers. The Respondent will advise the Regional Director of the dates and times of such notice readings, and the Union and the Region shall be afforded a reasonable opportunity to provide for the attendance of a union official and/or a Board agent at any assembly of employees called for the purpose of reading such notice. The Respondent shall maintain sign-in sheets for supervisors and managers at the reading(s) and submit copies of the sign-in sheets to the Region within seven days of the final notice reading.

(k) Within 21 days after receipt by the Respondent, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply. The certification shall include: (i) a copy of the documents signed by the Respondent, attesting to the dates that the notices were received at the Respondent's facility, and the dates that the notices were posted; (ii) a certification by the installation head attesting to the dates that the notice was read at the Respondent's facility; (iii) copies of the acknowledgments, signed by each of the Respondent's supervisors, managers, or DMO at the Respondent's facility that they may be subject to disciplinary action as may be

appropriate in light of the relevant facts and circumstances, consistent with applicable state and federal laws and regulations; (iv) copies of notice-reading meeting sign-in sheet(s) for supervisors and managers.

(l) The Respondent agrees that while bargaining unit employees may be called upon to assist in gathering documentation and in other aspects of the information process, they shall not be considered responsible for the Respondent's legal obligations and they shall not be subject to discipline for the Respondent's failure to comply with the obligations described herein.

Dated, Washington, D.C., January 3, 2018.

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Mark Gaston Pearce, Member

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Lauren McFerran, Member

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William J. Emanuel, Member

(SEAL)

**NATIONAL LABOR RELATIONS BOARD**

**APPENDIX 1**

**NOTICE TO EMPLOYEES  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS**

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

Form, join, or assist a union  
Choose representatives to bargain with us on your behalf  
Act together with other employees for your benefit and protection  
Choose not to engage in any of these protected activities.

**WE WILL NOT** refuse to bargain collectively and in good faith by refusing or unduly delaying furnishing information requested by the APWU Local 118, and/or any other labor organization representing bargaining unit employees (collectively the Unions), at our facility located at 3916 Milgen Road, Columbus, Georgia, that is necessary for and relevant to the performance of their duties as the exclusive collective-bargaining representatives of bargaining unit employees.

**WE WILL NOT** in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

**WE WILL**, upon request, provide the Unions with necessary and relevant information in a timely and appropriate manner.

**WE WILL** waive for 30 days following issuance of the Board's Order any contractual deadlines for filing and pursuing grievances related to the requested information, where APWU Local 118 missed contractual deadlines due to our delay or refusal in providing requested information.

**WE WILL**, for our facility, maintain a log in which we will immediately record each information request, made orally or in writing, by the Unions at that facility. These logs shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the name of the management official who received the request; the date the request was made; and the date that our official provided the Unions with the requested information. If our official, having reviewed the documents requested, believes that we will need additional time, the official will inform the requesting Union in writing, seeking additional time and explaining the need for the additional time.

**WE WILL** provide annual training to each manager, supervisor, or DMO who is designated to receive requests for information for our facility which encompasses how

to maintain the log, and how to tender the relevant information requested by the Unions; each such official will sign an acknowledgment form attesting to the fact that he or she has completed said training. A copy of this acknowledgment form shall be maintained in the official's training and history files. Union stewards will be granted access to the logs, upon request. Officials who fail to reasonably supply relevant information to the Unions will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. Repeated violations could lead to discipline of said official.

**WE WILL** notify Union stewards when the manager, supervisor, or DMO who is designated to receive union requests for information at our facility has changed.

**WE WILL** through our legal department or labor relations department, conduct semi-annual audits of the logs for our facility to ensure that the information requested by the Unions is being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, our legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and the district manager of human resources.

**WE WILL** provide a copy of this Order and notice to all supervisors, managers, or DMOs who are responsible for receiving Union requests for information for our facility, and we will require each such official to sign an acknowledgment affirming that they understand that they may be subject to disciplinary action as may be appropriate in light of the relevant facts and circumstances, consistent with applicable state and federal laws and regulations, if they fail to comply with the provisions of the Order.

## UNITED STATES POSTAL SERVICE

The Board's decision can be found at [www.nlrb.gov/case/10-CA-188508](http://www.nlrb.gov/case/10-CA-188508) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.





**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS  
BOARD REGION 10**

**UNITED STATES POSTAL SERVICE**

**and**

**Cases 10-CA-188508**

**AMERICAN POSTAL WORKERS UNION,  
AREA LOCAL 118**

**FORMAL SETTLEMENT STIPULATION**

**I. INTRODUCTION**

Through this formal settlement stipulation, the undersigned parties to this proceeding, United States Postal Service (Respondent); the American Postal Workers Union, Area Local 118 (APWU Local 118); and the General Counsel of the National Labor Relations Board agree that, upon approval of this stipulation by the National Labor Relations Board (Board), a Board Order in conformity with its terms will issue, and a court judgment enforcing the Order will be entered. The parties agree to the following:

**II. JURISDICTION**

(a) The Respondent is and has been, at all times material herein, an independent establishment of the Executive Branch of the Government of the United States and operates various facilities throughout the United States and the State of Georgia in the performance of its basic function to provide postal services to the Nation, including its facility at 3916 Milgen Road, Columbus, Georgia (Respondent's facility), the facility involved in this settlement and the underlying proceedings.

(b) Respondent is now and has been at all material times, an entity subject

to the Board's jurisdiction by virtue of the Postal Reorganization Act (the PRA), 39 U.S.C. Section 1209.

### **III. LABOR ORGANIZATION STATUS**

(a) At all material times, the American Postal Workers Union (APWU) has been a labor organization within the meaning of Section 2(5) of the Act.

(b) At all material times, APWU Local 118 has been an agent of APWU, acting on behalf of APWU, within the meaning of Section 2(13) of the Act.

(c) At all material times, by virtue of Section 9(a) of the Act, APWU has been, and is now, the exclusive bargaining representative for the purpose of collective bargaining with respect to rates of pay, wages, hours of employment, and other terms and conditions of employment of employees in an appropriate unit as set forth in Article 1 of the current National Agreement between the Respondent and APWU, including employees employed by Respondent at Respondent's facility.

### **IV. PROCEDURE**

#### **1. FILING AND RECEIPT OF CHARGES**

(a) The charge in this proceeding was filed by APWU Local 118 on November 21, 2016, and copy was served on Respondent on the same date.

(b) The first amended charge in this proceeding was filed by APWU Local 118 on January 26, 2017, and a copy was served on Respondent on the same date.

(c) Respondent acknowledges receipt of the charge and the first amended charge referenced above.

2. **ISSUANCE OF COMPLAINT**

On February 23, 2017, the Acting Regional Director for Region 10 of the Board issued a Complaint and Notice of Hearing in this case, alleging that Respondent violated the National Labor Relations Act. Respondent and APWU Local 118 both acknowledge receipt of the Complaint and Notice of Hearing, which was served by certified mail on February 23, 2017.

3. **ANSWER**

By entering into this stipulation, the parties agree that the Answer to the Complaint filed by Respondent on or about March 7, 2017, is withdrawn.

4. **WAIVER**

All parties waive the following: (a) hearing; (b) administrative law judge's decision; (c) filing of exceptions and briefs; (d) oral argument before the Board; (e) the making of findings of fact and conclusions of law by the Board; (f) all other proceedings to which the parties may be entitled under the Act or the Board's Rules and Regulations.

5. **THE RECORD**

The entire record in this matter consists of the following documents: this formal settlement stipulation, with attachments as follows: (a) the charge; (b) the first amended charge; and (c) the Complaint and Notice of Hearing. Copies of these documents are attached as Exhibits A through C.

6. **ENTIRE AGREEMENT**

This stipulation constitutes the entire agreement between the parties and there is no agreement of any kind, verbal or otherwise, that alters or adds to it.

7. **SCOPE OF THE STIPULATION AND RESERVATION OF EVIDENCE**

This stipulation applies only to Respondent's facility, settles only the allegations in the above-captioned case, and does not constitute a settlement of any other cases or matters. It does not preclude persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to the matters which precede the date of the approval of this stipulation, regardless of whether those matters are known to the General Counsel or are readily discoverable. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case for any relevant purpose in the litigation of this or any other cases, and a judge, the Board, and the courts may make findings of fact and/or conclusions of law with respect to that evidence.

8. **EFFECTIVE DATE**

This stipulation is subject to the approval of the Board, and it does not become effective until the Board has approved it. The Regional Director will file with the Board this stipulation and the documents constituting the record as described above. Once the Board has approved the stipulation, Respondent will immediately comply with the provisions of the order as set forth below.

9. **STRICT ENFORCEMENT**

Failure of any party to this settlement stipulation to require strict compliance with its terms in any particular instance(s) shall not be deemed a waiver of compliance in any future instances(s).

V. **ORDER**

Based on this record as described above and without further notice of proceedings,

the Board may immediately enter an order providing as follows:

Respondent, the United States Postal Service, its officers, agents, successors and assigns, shall:

1. Cease and desist from:

(a) Refusing to bargain collectively and in good faith with APWU Local 118 and/or any other labor organizations (hereinafter collectively referred to as "the Unions") representing bargaining unit employees at Respondent's facility, by refusing or unduly delaying in furnishing information that is relevant and necessary to the performance of the Unions' duties as the exclusive collective-bargaining representatives of the employees at Respondent's facility.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Upon request, provide the Unions with necessary and relevant information in a timely and appropriate manner.

(b) Waive, for 30 days following issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances related to the requested information, where the APWU Local 118 missed contractual deadlines due to Respondent's delay or refusal in providing the information.

(c) For Respondent's facility, Respondent will maintain a log in which it will immediately record each information request tendered by the Unions upon receipt of such requests, orally or in writing. These logs shall include the following information: a brief

description of the information requested; the name of the individual who is making the request; the name of the supervisor, manager, or designated management official (DMO) who received the request; the date the request was made; and the date that Respondent provided the Unions with the requested information, or upon which Respondent's manager, supervisor, or DMO responded to the Union with an explanation for any anticipated delay. If Respondent, having reviewed the documents requested, believes that the Respondent will need additional time, the manager, supervisor, or DMO will inform the Unions in writing, requesting additional time and explaining the need for the additional time. Such responses shall be recorded in the information request logs.

(d) Each manager, supervisor, or DMO who is designated to receive union requests for information for Respondent's facility will receive annual training that encompasses how to maintain the log and how to tender the relevant information requested by the Unions, and each such management official will sign an acknowledgment form attesting that he or she has completed said training. A copy of this acknowledgement form shall be maintained in the official's training and history files. Union stewards will be granted access to the logs, upon request. Supervisors, managers, or DMOs who unreasonably fail to supply relevant information for the Unions will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the USPS district manager, the USPS district manager of human resources, USPS labor relations, and the USPS Law Department NLRB Unit. Repeated violations could lead to discipline of said supervisor or manager.

(e) Respondent's legal department or its labor relations department shall conduct semi-annual audits of the logs for Respondent's facility, to ensure that the information requests from the Unions are being handled in a timely and appropriate manner and to ensure the logs

are being properly maintained. Following each audit, the legal department or labor relations department shall tender, in writing, a written report setting forth for each request that did not receive a complete response within seven days: the identity of the requesting party; a summary of the request; the location for which the request was made; the name of the supervisor or manager responsible for responding to the request; the number of days from request to initial response; the number of days from request to complete and/or final response; and any action taken to address; and/or correct unreasonable failures and delays by supervisors and managers. This audit report will be forwarded to the USPS district manager, the USPS district manager of human resources, USPS labor relations, and the USPS Law Department NLRB Unit. To the extent that such audits indicate that requests are not being responded to in a timely and appropriate manner or that the logs recording information requests are not being properly maintained, remedial training shall be provided to all persons in a supervisory, managerial, or DMO capacity who were or are involved in the process of providing information to the Unions for Respondent's facility. Respondent will provide documentation of any such training to the NLRB Region 10 Compliance Officer upon request.

(f) Union stewards at Respondent's facility must be notified when the manager, supervisor, or DMO who is designated to receive requests for information has changed.

(g) Within 14 days of service by the Region:

(i) Post at Respondent's facility, copies of the Notice to Employees attached as Appendix 1.<sup>1</sup> Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by Respondent's authorized representative, shall be posted by

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<sup>1</sup>If this Order is enforced by a judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. Respondent will electronically mail the Board's official notice to the manager at Respondent's facility;

(ii) Upon receipt of such notice, the manager at Respondent's facility will record the date said notice was received and the date on which the notices were posted and Respondent will submit this information to the Region's Compliance Officer, along with the signed certification. Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material;

(iii) Electronically post the Notice to Employees for employees at Respondent's facility, if Respondent customarily uses electronic means such as an electronic bulletin board, e-mail, website, or intranet to communicate with those employees;

(iv) Within ten (10) days after entry of the Board's Order:

(A) Provide all supervisors and managers, including acting supervisors and managers, at Respondent's facility with written instructions to comply with the provisions of the Order. The instructions shall underscore that:

- 1) Unprivileged or unwarranted refusals and unreasonable delays in responding to requests for information required under the Act to be provided to labor organizations shall not be tolerated by Respondent.
- 2) Any unwarranted failure to provide, or unreasonable delay in providing, such information will subject the responsible supervisor(s), DMOs, and/or manager(s) to discipline by

Respondent as may be appropriate in light of the relevant facts and circumstances, consistent with applicable state and federal laws and regulations.

- 3) Each person receiving the Board Order and instructions described above shall acknowledge in writing that he or she has been furnished with a copy thereof, understands them and will conduct himself or herself consistently therewith, and will not in any way commit, engage in, induce, encourage, permit, or condone any violation of this Order; and Respondent shall retain and supply copies of those acknowledgments and the written instructions to NLRB Region 10 pursuant to subparagraph (i) below.

(v) In the event that, during the pendency of these proceedings, Respondent has gone out of business or closed any of the facilities involved in these proceedings, Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by Respondent at the closed facility at any time since September 13, 2016.

(h) Within 14 days from the date of this Order, at Respondent's facility, convene meetings during working time, scheduled to ensure the widest possible attendance, at which the attached Notice to Employees is to be read to all employees, supervisors, and managers. Respondent will advise the Regional Director of the dates and times of such notice readings, and the Union and the Region shall be afforded a reasonable opportunity to provide for the attendance of a union official and/or a Board agent at any assembly of employees

called for the purpose of reading such notice. Respondent shall maintain sign-in sheets for supervisors and managers at the reading(s) and submit copies of the sign-in sheets to the Region within seven days of the final notice reading.

(i) Within 21 days after receipt by Respondent, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply. The certification shall include: (i) a copy of the documents signed by Respondent, attesting to the dates that the notices were received at Respondent's facility, and the dates that the notices were posted; (ii) a certification by the installation head attesting to the dates that the notice was read at Respondent's facility; (iii) copies of the acknowledgements, signed by each of Respondent's supervisors, managers, or DMO at Respondent's facility that they may be subject to disciplinary action as may be appropriate in light of the relevant facts and circumstances, consistent with applicable state and federal laws and regulations; (iv) copies of notice-reading meeting sign-in sheet(s) for supervisors and managers.

(j) Respondent agrees that while bargaining unit employees may be called upon to assist in gathering documentation and in other aspects of the information process, they shall not be considered responsible for Respondent's legal obligations and they shall not be subject to discipline for Respondent's failure to comply with the obligations described herein.

#### **VI. ENFORCEMENT OF ORDER**

A United States Court of Appeals for any appropriate circuit may, on application by the Board, enter its judgment enforcing the Order of the Board in the form set above. Respondent waives all defenses to the entry of the judgment, including compliance with the order of the Board and its right to receive notice of the filing of an application for the entry of such judgment, provided that the judgment is in the words set forth above.

However, Respondent shall be required to comply with the affirmative provisions of the Board's Order after entry of the judgment only to the extent that it has not already done so. The Respondent agrees that this settlement stipulation may be used in any proceeding before the Board or an appropriate court to show proclivity to violate the Act for purposes of determining an appropriate remedy.

**UNITED STATES POSTAL SERVICE**

BY: Kelly Elifson DATE: 5/9/17  
~~Roderick D. Eves, Deputy Managing Counsel~~ Law Department-NLRB Unit  
Kelly Elifson, Attorney

**AMERICAN POSTAL WORKERS UNION, AREA LOCAL 118**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Willie P. Rias, APWU Local 118 Vice President

**Approval recommended:**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Matthew J. Turner, Attorney, Counsel for the General Counsel

**Approved:**

\_\_\_\_\_  
DATE: \_\_\_\_\_  
Lisa Y. Henderson, Acting Regional Director, Region 10

However, Respondent shall be required to comply with the affirmative provisions of the Board's Order after entry of the judgment only to the extent that it has not already done so. The Respondent agrees that this settlement stipulation may be used in any proceeding before the Board or an appropriate court to show proclivity to violate the Act for purposes of determining an appropriate remedy.

**UNITED STATES POSTAL SERVICE**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Roderick D. Eves, Deputy Managing Counsel Law Department-NLRB Unit

**AMERICAN POSTAL WORKERS UNION, AREA LOCAL 118**

BY: Willie P. Rias DATE: 5-15-2017  
Willie P. Rias, APWU Local 118 Vice President

**Approval recommended:**

MATTHEW  
BY: TURNER Digitally signed by MATTHEW TURNER  
DN: c=US, o=U.S. Government, ou=National  
Labor Relations Board, cn=MATTHEW  
TURNER,  
0.9.2342.19200300.100.1.1=63001002591054  
Date: 2017.05.16 08:31:55 -04'00' DATE: \_\_\_\_\_  
Matthew J. Turner, Attorney, Counsel for the General Counsel

**Approved:**

[Signature] DATE: 5/16/2017  
Lisa Y. Henderson, Acting Regional Director, Region 10

Appendix 1

NOTICE TO EMPLOYEES POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

Form, join or assist a union  
Choose representatives to bargain with us on your behalf  
Act together with other employees for your benefit and protection Choose not  
to engage in any of these protected activities

**WE WILL NOT** refuse to bargain collectively and in good faith by refusing or unduly delaying furnishing information requested by the APWU Local 118, and/or any other labor organization representing bargaining unit employees (collectively the Unions), at Respondent's facility located at 3916 Milgen Road, Columbus, Georgia (Respondent's facility), that is necessary for and relevant to the performance of their duties as the exclusive collective bargaining representatives of bargaining unit employees.

**WE WILL NOT** in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

**WE WILL**, upon request, provide the Unions with necessary and relevant information in a timely and appropriate manner.

**WE WILL** waive for 30 days following issuance of the Board's Order any contractual deadlines for filing and pursuing grievances related to the requested information, where APWU Local 118 missed contractual deadlines due to our delay or refusal in providing requested information.

**WE WILL**, for Respondent's facility, maintain a log in which we will immediately record each information request, made orally or in writing, by the Unions at that facility. These logs shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the name of the management official who received the request; the date the request was made; and the date that Employer's official provided the Unions with the requested information. If our official, having reviewed the documents requested, believes that we will need additional time, the official will inform the requesting Union in writing, seeking additional time and explaining the need for the additional time.

**WE WILL** provide annual training to each manager, supervisor or DMO who is designated to receive requests for information for Respondent's facility which encompasses how to maintain the log, and how to tender the relevant information requested by the Unions; each such official will sign an acknowledgment form attesting to the fact that he or she has completed said training. A copy of this acknowledgement form shall be maintained in the official's training and history files. Union stewards will be granted access to the logs, upon request. Officials who fail to reasonably supply relevant information to the Unions will have this fact mentioned in the "corrective action" column of the semi-annual audit

report provided to the district manager and district manager of human resources. Repeated violations could lead to discipline of said official.

**WE WILL** notify union stewards when a manager, supervisor or DMO who is designated to receive union requests for information at Respondent's facility has changed.

**WE WILL** through our legal department or labor relations department, conduct semi-annual audits of the logs for Respondent's facility to ensure that the information requested by the Unions is being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, our legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager, and the district manager of human resources.

**WE WILL** provide a copy of this Order and notice to all supervisors, managers or DMOs who are responsible for receiving Union requests for information for Respondent's facility, and we will require each such official to sign an acknowledgement affirming that they understand that they may be subject to disciplinary action as may be appropriate in light of the relevant facts and circumstances, consistent with applicable state and federal laws and regulations, if they fail to comply with the provisions of the order

**UNITED STATES POSTAL SERVICE**

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
(Representative) (Title)

**The National Labor Relations Board is an Independent Federal Agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to an agent with the Board's Regional Office set forth below. You may also obtain information from the Board's Website. [www.nlrb.gov](http://www.nlrb.gov).**

**233 Peachtree Street, N.E.  
Harris Tower, Suite 1000  
Atlanta, Georgia 30303**

**Telephone: (404) 331-2896  
Hours of Operation: 8:00 a.m. to 4:30 p.m.**

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

## INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
10-CA-188508	November 21, 2016

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer United States Postal Service		b. Tel. No. (706)562-1777
		c. Cell No.
d. Address (street, city, state, ZIP code) 4916 Milgen Rd Columbus, GA 31907-1345	e. Employer Representative Sandy Strozier Postmaster	f. Fax No. (706)562-1785
		g. e-Mail
		h. Dispute Location (City and State) Columbus, GA
i. Type of Establishment (factory, nursing home, hotel) postal	j. Principal Product or Service mail	k. Number of workers at dispute location 200
<p>1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) &amp; (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p> <p>2. Basis of the Charge: (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>During the past six months, the Employer has failed and refused to bargain in good faith with the Union by refusing to timely provide and/or unreasonably delaying providing relevant and necessary information requested by American Postal Workers Union as follows: 1. Date of the requests: August 14, September 13, 23, October 1, 4, 13, &amp; 16, Nov 2, and 8, 2016 2. Requestor's name and title: Willie P. Rias, Vice President 3. Name and title of person to whom the request was submitted: Andre Hayes, supervisor 4. Form of request: written 5. General description of information that was requested but not provided: Information concerning employees Gwen Gay, Michelle Vren, William Ash, Michael Logan, James Stathums, Desmond Ashe, Willie Rias and / or Xavier Cross necessary for consideration of, or processing of, grievances. 6. Reason for the request: grievance processing. 7. Disparity and failure to comply with the settlements between the union steward and labor specialist.</p>		

3. Full name of party filing charge (if labor organization, give full name, including local name and number) American Postal Workers Union Area Local 118	
4a. Address (street and number, city, state, and ZIP code) 4916 Milgen Rd, Columbus, GA 31907-1345	4b. Tel. No. 4c. Cell No. 706 464-0667 4d. Fax No. 4e. e-Mail wrias@excite.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Postal Workers Union, AFL-CIO	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By: <u>Willie P. Rias</u> (signature of representative or person making charge)	Tel. No.
Willie P Rias Vice President Print Name and Title	Office, if any, Cell No. 706 464-0667
Address: 2209 Cushing Drive, Columbus, GA 31904	Fax No.
Date: 11-20-2016	e-Mail wrias@excite.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully

EXHIBIT 1

FORM EXEMPT UNDER 44 U.S.C. 3512

INTERNET  
FORM NLRB-501  
(2-98)  
CORRECTED First Amended CHARGE AGAINST EMPLOYER

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

## DO NOT WRITE IN THIS SPACE

Case 10-CA-188508	Date Filed 1-26-2017
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## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer: United States Postal Service	b. Tel. No. (706)582-1777
	c. Cell No.
	f. Fax No. (706)562-1785
d. Address (Street, city, state, and ZIP code) 4918 Milgen Road Columbus, GA 31907-1345	e. Employer Representative Sandy Strozier Postmaster
	g. e-Mail
	h. Number of workers employed 200
i. Type of Establishment (factory, mine, wholesaler, etc.) Postal Service	j. Identify principal product or service Mail
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices). During the past six months, the Employer has failed and refused to bargain in good faith with the Union by refusing to timely provide and/or unreasonably delaying providing relevant and necessary information requested by the Union as follows: 1. Date of requests: September 13, September 23, October 1, November 2 and November 10, 2016 2. Requestor's Name & Title: Willie P. Rias, Vice President 3. Person to whom the request was made: Andre Hayes, Supervisor 4. Form of request: Written 5. General Description of Information: information necessary to investigate potential grievances on behalf of bargaining-unit employees	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) American Postal Workers Union Area Local 118	
4a. Address (Street and number, city, state, and ZIP code) 4916 Milgen Road Columbus, GA 31907-1345	4b. Tel. No. 4c. Cell No. (706)464-0667 4d. Fax No. 4e. e-Mail wrias@excite.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Postal Workers Union, AFL-CIO	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By <u>Willie P. Rias</u> Willie P. Rias, Vice President (Signature of representative or person making charge) (Print type name and title or office, if any) Address <u>2209 Cushing Drive, Columbus, GA 31904</u> 1-24-2017 (date)	
Tel. No. Office, if any, Cell No. (706)464-0667 Fax No. e-Mail wrias@excite.com	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT 2

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 10**

**UNITED STATES POSTAL SERVICE**

**and**

**Case 10-CA-188508**

**AMERICAN POSTAL WORKERS UNION AREA  
LOCAL 118**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by American Postal Workers Union Area Local 118 (Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., the Postal Reorganization Act, 39 U.S.C. § 101 et seq. (PRA), and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that United States Postal Service (Respondent) has violated the Act as described below.

1.

(a) The charge in this proceeding was filed by the Union on November 21, 2016, and a copy was served on Respondent by U.S. mail on the same date.

(b) The first amended charge in this proceeding was filed by the Union on January 26, 2017, and a copy was served on Respondent by U.S. mail on the same date.

2.

Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including the facility at 4916 Milgen Road, Columbus, Georgia (Respondent's facility).

[1]

**EXHIBIT 3**

3.

The Board has jurisdiction over Respondent and this matter by virtue of Section 1209 of the PRA.

4.

(a) At all material times, American Postal Workers Union (APWU) has been a labor organization within the meaning of Section 2(5) of the Act.

(b) At all material times, the Union has been an agent of APWU, acting on behalf of APWU, within the meaning of Section 2(13) of the Act.

5.

At all material times, by virtue of Section 9(a) of the Act, APWU has been, and is now, the exclusive bargaining representative for the purpose of collective bargaining with respect to rates of pay, wages, hours of employment, and other terms and conditions of employment of employees in an appropriate unit as set forth in Article 1 of the current National Agreement between Respondent and APWU (the Unit), including employees employed by Respondent at Respondent's facility.

6.

At all material times, Andrew Hayes held the position of Supervisor at the Respondent's facility and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

7.

Since about September 13, 2016, the Union has requested in writing that Respondent furnish the information set forth below:

Information Requested	Date Provided
(a) Higher level reports for Michael Logan from October 1, 2015 to September 31, 2016;	1/11/2017
(b) 1260s for Michael Logan from October 1, 2015 to September 31, 2016;	1/11/2017
(c) Any documents that show any custodial work and the time used to complete the custodial work by Michael Logan on various dates between October 1, 2015 and July 25, 2016.	1/11/2017

8.

Since about September 23, 2016, the Union has requested in writing that Respondent furnish the information set forth below:

Information Requested	Date Provided
(a) Any reports indicating precisely what tasks Willie P. Rias performed under LDC 38 on various dates between October 1, 2015 and August 31, 2016;	1/11/2017
(b) Any reports indicating precisely what tasks James Stathums (BMC) performed under LDC 38 on various dates between October 1, 2015 and August 31, 2016;	1/11/2017
(c) Any 1260s from October 1, 2015 to August 31, 2016.	1/11/2017

9.

Since about October 1, 2016, the Union has requested in writing that Respondent furnish the information set forth below:

Information Requested	Date Provided
(a) Any reports indicating precisely what tasks the following custodians (William Ash, James Stathums, Willie P. Rias and Michael Logan) performed under LDC 38 from October 1, 2015 to September 31, 2016.	1/11/2017

10.

Since about November 2, 2016, the Union has requested in writing that Respondent furnish the information set forth below:

[3]

Information Requested	Date Provided
(a) The MS 1 report for Building Maintenance Custodian (James Stathums) from October 1, 2015 to September 30, 2016;	1/11/2017
(b) The labor transaction report for the Building Maintenance Custodian (James Stathums) from October 1, 2015 to September 30, 2016.	1/11/2017

11.

Since about November 10, 2016, the Union has requested in writing that Respondent furnish the information set forth below:

Information Requested	Date Provided
(a) The precise custodial work and time in which Mark Logan performed from August 1, 2016 to September 30, 2016 for the following stations: Beallwood, Wynnton, Barker Village, Fort Benning and Lindsey Creek.	1/11/2017

12.

The information requested by the Union, as described above in paragraphs 7 through 11, is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representatives of the Unit.

13.

From about the dates of requests set forth in each relevant paragraph to about the dates set forth as "Date Provided," Respondent unreasonably delayed in furnishing the Union with the information it requested as set forth in paragraphs 7 through 11.

14.

By the conduct described above in paragraph 13, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representatives of its employees in violation of Section 8(a)(1) and (5) of the Act and within the meaning of the PRA.

[4]

**REMEDY**

In view of the extensive history of repeated unfair labor practice violations found by the Board and courts to have been engaged in by this Respondent, as well as the similarity of the prior violations to the unfair labor practices alleged above in paragraph 13, the General Counsel seeks an Order requiring Respondent to:

1. Cease and desist from:

(a) Refusing to bargain collectively and in good faith with the Union and/or any other labor organizations at Respondent's facility by refusing or unduly delaying in furnishing information that is relevant and necessary to the performance of the Union's duties as the exclusive collective-bargaining representative of employees.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Upon request, provide the Union with necessary and relevant information in a timely and appropriate manner.

(b) Waive, for 30 days following issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances related to the requested information, where the Union missed contractual deadlines due to Respondent's delay in providing the information.

(c) At Respondent's facility, Respondent will maintain a log in which it will immediately record each information request tendered by the Union upon receipt of such requests, orally or in writing. These logs shall include the following information: a brief description of the information requested; the name of the individual who is making the

request; the name of the supervisor, manager, or designated management official (DMO) who received the request; the date the request was made; and the date that Respondent provided the Union with the requested information, or upon which Respondent's manager, supervisor, or DMO responded to the Union with an explanation for any anticipated delay. If Respondent, having reviewed the documents requested, believes that the Respondent will need additional time, the manager, supervisor, or DMO will inform the Union in writing, requesting additional time and explaining the need for the additional time. Such responses shall be recorded in the information request logs.

(d) Each manager, supervisor, or DMO who is designated to receive union requests for information at Respondent's facility will receive annual training that encompasses how to maintain the log and how to tender the relevant information requested by the Union, and each such management official will sign an acknowledgment form attesting that he or she has completed said training. A copy of this acknowledgement form shall be maintained in the official's training and history files. Union stewards will be granted access to the logs, upon request. Supervisors, managers, or DMOs who unreasonably fail to supply relevant information for the Union will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the USPS district manager, the USPS district manager of human resources, USPS labor relations, the USPS Law Department NLRB Unit, and to the Compliance Officer for NLRB Region 10. Repeated violations could lead to discipline of said supervisor or manager.

(e) Respondent will formally assign responsibility for monitoring its information request response process to a designated management official and will hold such official(s) accountable for adherence to the provisions of this agreement. The DMO(s) will report,

on a quarterly basis, to Respondent's District Manager (DM) and to Respondent's Law Department NLRB Unit, every request for information to which Respondent has not made a response within seven days, with a copy of each such request, copies of any responses made to the requesting union, and an explanation as to why the information has not been provided, or a response made, within seven days. Failure by Respondent's supervisors and managers to adequately cooperate with the assigned DMO(s) or any failure by the assigned DMO(s) that causes either an unprivileged or unwarranted failure to provide requested information or causes an unreasonable delay in providing such information to the requesting union, will subject the responsible DMO(s), supervisor and/or manager to discipline by Respondent as may be appropriate in light of the relevant facts and circumstances, consistent with applicable state and federal laws and regulations.

(f) Union stewards at Respondent's facility must be notified when the manager, supervisor, or DMO who is designated to receive requests for information for their particular facility has changed.

(g) Respondent's legal department or its labor relations department shall conduct quarterly audits of the logs at Respondent's facility to ensure that the information requests from the Union are being handled in a timely and appropriate manner and to ensure the logs are being properly maintained. Within ten days following each audit, the legal department or labor relations department shall tender, in writing, a written report setting forth for each request that did not receive a complete response within seven days: the identity of the requesting party; a summary of the request; the location for which the request was made; the name of the supervisor or manager responsible for responding to the request; the number of days from request to initial response; the number of days from request to

complete and/or final response; and any action taken to address; and/or correct unreasonable failures and delays by supervisors and managers. This audit report will be forwarded to the USPS district manager, the USPS district manager of human resources, USPS labor relations, the USPS Law Department NLRB Unit, and to the Compliance Officer for NLRB Region 10. To the extent that such audits indicate that requests are not being responded to in a timely and appropriate manner or that the logs recording information requests are not being properly maintained, remedial training shall be provided to all persons in a supervisory, managerial, or DMO capacity who were or are involved in the process of providing information to the Union at the applicable facility. Respondent will provide documentation of any such training to the NLRB Region 10 Compliance Officer upon completion of the remedial training.

(h) Within 14 days of service by the Region:

(i) Post at Respondent's facility, copies of any notice which may issue in this matter. Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by Respondent's authorized representative, shall be posted by Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. Respondent will electronically mail the Board's official notice to the manager in each facility;

(ii) Upon receipt of such notice, each manager will record the date said notice was received and the date on which the notices were posted at the facility, and each manager will submit to the Region's Compliance Officer, along with the signed certification, a digital photograph of the notice posted at the facility with the date the image was taken. Respondent

will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material;

(iii) Electronically post the Notice to Employees for employees at Respondent's facility if Respondent customarily uses electronic means such as an electronic bulletin board, e-mail, website, or intranet to communicate with those employees;

(iv) Within ten (10) days after entry of a Board Order:

(A) Provide a copy of the Board Order and Notice to Employees to all its supervisors, managers, and DMO(s) including acting supervisors and managers, at Respondent's facility.

(B) Provide all supervisors and managers, including acting supervisors and managers with written instructions to comply with the provisions of the Order. The instructions shall underscore that:

- 1) Unprivileged or unwarranted refusals and unreasonable delays in responding to requests for information required under the Act to be provided to labor organizations shall not be tolerated by Respondent.
- 2) Any unwarranted failure to provide, or unreasonable delay in providing, such information will subject the responsible supervisor(s), DMOs, and/or manager(s) to discipline by Respondent as may be appropriate in light of the relevant facts and circumstances, consistent with applicable state and federal laws and regulations.
- 3) Respondent shall also provide all future supervisory or

management officials, including temporary supervisors acting in that capacity for at least ten (10) consecutive calendar days, in the postal facilities referenced above with a copy of said Order and written instructions promptly upon their assuming those positions.

- 4) Each person receiving the Board Order and instructions described above shall acknowledge in writing that he or she has been furnished with a copy thereof, understands them and will conduct himself or herself consistently therewith, and will not in any way commit, engage in, induce, encourage, permit, or condone any violation of this Order; and Respondent shall retain and supply copies of those acknowledgments and the written instructions to NLRB Region 10 pursuant to subparagraph (j) below.

(v) In the event that, during the pendency of these proceedings, Respondent has gone out of business or closed any of the facilities involved in these proceedings, Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by Respondent at the closed facility at any time since September 13, 2016.

(i) Within 14 days from the date of any Order which may issue in this matter, at Respondent's facility, convene meetings during working time, scheduled to ensure the widest possible attendance, at which the attached Notice to Employees is to be read to all employees, supervisors, and managers. Respondent will advise the Regional Director of the dates and times of such notice readings, and the Union and the Region shall be afforded a reasonable opportunity to provide for the attendance of a union official and/or a Board

agent at any assembly of employees called for the purpose of reading such notice. Respondent shall maintain sign-in sheets for supervisors and managers at the readings at each location and submit copies of the sign-in sheets to the Region within seven days of the final notice reading.

(j) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply. The certification shall include: (i) a copy of the documents signed by the district manager of labor relations, attesting to the dates that the notices were received at each facility, the dates that the notices were posted, and a digital photograph of each posted notice with metadata including date taken and GPS coordinates; (ii) a certification by the installation head attesting to the dates that the notice was read at each facility; (iii) copies of the acknowledgements, signed by each of Respondent's supervisors, managers, or DMO at Respondent's facility, that they may be subject to disciplinary action as may be appropriate in light of the relevant facts and circumstances, consistent with applicable state and federal laws and regulations; (iv) copies of notice-reading meeting sign-in sheets for supervisors and managers.

(k) Respondent agrees that while bargaining unit employees may be called upon to assist in gathering documentation and in other aspects of the information process, they shall not be considered responsible for Respondent's legal obligations and they shall not be subject to discipline for Respondent's failure to comply with the obligations described herein.

**ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before March 9, 2017, or postmarked on or before March 8, 2017**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules



and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE THAT on June 16, 2017 at 10:00 a.m. (EST)** at a location to be designated at a later time, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: February 23, 2017



A handwritten signature in black ink, appearing to read "Lisa Y. Henderson", written over a horizontal line.

Lisa Y. Henderson  
Acting Regional Director  
National Labor Relations Board  
Region 10  
233 Peachtree Street NE  
Harris Tower - Suite 1000  
Atlanta, Georgia 30303-1504

Attachments